

HIOSH ADVISORY COMMITTEE
Minutes February 20, 2003

Present: Delbert DeRego, Robert Dove, Connie Hastert, Shane Chang for Brian Kawahara, Tim Lyons, Lily Chu for Robert Nakamatsu, Alan Hiramatsu for Thomas Vendetta, Clayton Winger and Roy Yamamoto

Absent: Arthur Akana, Lani Bjork, Richard Botti, Steven Brooks, Gerald Estenzo, Wade Hashizume, Carol Kahue, Charles Kelley, Tracy Lawson, James Merrick, Gareth Sakakida, Orlando Soriano, Peter Trask and Allan Yokoyama

HIOSH: Jennifer Shishido, James Decker, Ellen Kondo, Masayoshi Ogata, Mark Behrens, and Terry Oyafuso (Recorder)

Meeting called to order at 1:10 pm by Jennifer Shishido in the absence of Lani Bjork, Chair.

1. Approval of November 14, 2002 minutes deferred to next meeting due to no quorum.
2. Legislation Update
 - OSH Training & Assistance Special Fund will sunset on June 30, 2003.
 - Mandated activities covered by General Funds.
 - No outreach and training.
 - Will use webpage for newsletter and standards (minimal hard copies).
 - Boiler & Elevator Revolving Fund will sunset on July 30, 2003
 - General fund appropriations reduced.
 - Impact - reduction in services to neighbor islands.
 - Consultation Report Confidentiality
 - SB 1371 - passed Senate on Labor, referred to Judiciary.
 - Expect opposition from trial lawyers - they are using HRS 396-14 as a vehicle to file lawsuits.
 - Explosives
 - Criminal background check, reporting quarterly inventory - bill held due to opposition from gun and small arms groups.
3. Staffing - Vacancies
 - 2 Program Specialists
 - 2 Consultants - Maui & Oahu Industrial Hygienist
 - Hilo Consultant - no response for restoring position.
 - Thanks to Tim Lyons for his letter to the Legislators.
 - 1 Health Inspector
 - 2 Inspectors - Hilo & Oahu
 - Elevator supervisor and 3 elevator inspectors
4. Standards
 - a. Hoisting Operator Certification
 - Effective December 6, 2002.
 - Working with NCCCO for examination -written and practical.
 - Projected enforcement date October 1, 2003.
 - b. Steel Erection
 - Effective January 20, 2003.
 - Working with Ironworkers for training scheduled for May 16, 2003.

- Handout on brief overview on differences - Federal and Hawaii.
 - 10 ft. fall protection, training certification, notification and documentation duration of steel erection. Good records maintained, inspectors will be in and out; otherwise no records inspectors will be on the job site interviewing and may cite for violations.
- c. Recordkeeping Amendments
 - Major change - Occupational hearing loss (average 25dB over 2000-4000 Hz baseline) - effective January 10, 2003.
- d. MUTCD (Manual of Uniform Traffic Control Devices)
 - Adopting the Millenium Edition.
 - Standards on signs visible, barriers, flagmen used on highway construction sites.
 - Will apply to off-duty police officers who directs or control traffic.
- e. Proposed Rule - Commercial Diving
 - Based on OSHA's variance to Dixie Divers.
 - Covers recreational diving instructors and diving guides.
 - Allows use of alternatives to on-site decompression chamber; use of nitrox gas however many dive shops may not qualify because they are too far away.
 - Does not apply to air supplied tank users.
- f. Clarification on Respirator Physicals
 - Hawaii Nursing Board - approved licensed registered nurses to give respirator physicals as long as within their scope of training and practice.
 - Refer to respirator standard - licensed healthcare providers.

5. HIOSH Activities/Status Reports

- a. Administration & Technical Branch
 - (1) HIOSH Homepage in progress
 - What's happening in HIOSH
 - Standards updates
 - C&T programs
 - Link to other agencies
 - Permission - public
 - Timely updates to the webpage.
 - (2) Homeland Security Act signed into law
 - Requires federal permit for explosives.
 - Federal criminal background check and residence status.
 - Will use for Certificate of Fitness (COF) - check on training and experience.
- b. Occupational Safety Branch
 - (1) Accidents Investigated
 - Employee, while cleaning out a feed bin at a pig farm, struck his head when he fell off a forklift.
 - Employee while clearing debris on a golf course was killed by a falling coconut tree.
 - Tree trimmer killed when unapproved fall protection device broke.
 - (2) Partnership with Outrigger Hotels
 - Inspector suggested the partnership based on, when conducting inspections of the other properties he noted that violations initially found were being communicated to the other properties to correct or in the

process of correcting the violations or did not find any violations. Slips and falls have been reduced by 80% at the Outrigger Waikoloa due to purchasing shoes from "Shoes for Crew". **NOTE: HIOSH does not endorse any products.**

- c. Occupational Health Branch
 - Discrimination Cases
 - 13 cases since October 2002 - normally 14 a year
 - Two determined to be discrimination - (1) disparate treatment of employee - employer needs to be consistent and (2) employee terminated day after complaining and was terminated after inspector spoke to employer.
 - d. Consultation & Training Branch
 - (1) SHARP (Safety & Health Achievement Recognition Program)
 - Promoted at a national level and mandated by Federal.
 - Exemption for small business employers.
 - Work with consultation branch who will be in constant contact with the employer.
 - Will now include non-fixed sites (construction).
 - SHARP logo similar to VPP (Voluntary Protection Program) without the star.
 - 4) Re-Branding of C&T - new logo - to separate enforcement and consultation. The proposed new logo is a canoe with Diamond Head in the background (Awa Ku Moku that means Safe Harbor).
6. Other Concerns/Information
- a. Mini Conferences
 - 8 conferences scheduled in March/April 2003 on all islands.
 - Information available on the HIOSH webpage.
 - b. Employee Leasing Companies - Clarification was requested on who would be cited.
Response: Controlling employer which is usually the site employer. Member felt it was more complicated than that given by the recent Supreme Court decision. HIOSH will report at next meeting.

Meeting adjourned at 2:29 p.m.
Next meeting May 22, 2003 (Hilo)